## United States District Court

## EASTERN DISTRICT OF NORTH CAROLINA

ROSA H. JOHNSON and	)
EDGAR W. JOHNSON,	)
Plaintiffs,	)
_	) JUDGMENT IN A CIVIL CASE CASE NO. 5:10-CV-271-F
V.	) CASE NO. 5:10-CV-2/1-F
BAC HOME LOANS SERVICING, LP FKA	<i>)</i> )
COUNTRYWIDE HOME LOANS SERVICING	)
LP, THE LAW FIRM OF HUTCHENS, SENTER	)
& BRITTON, P.A., SUBSTITUTE TRUSTEE	)
SERVICES, INC., DEBORAH N. HOOKER,	)
C.T. SALYER, JOHN A. MUNDULAK,	)
Defendants.	

**Decision by Court.** 

IT IS ORDERED AND ADJUDGED that pursuant to the court's order dated January 21, 2011, the Motions to Dismiss pursuant to Rule 12(b)(5) at [DE-28; DE-35] are DENIED without prejudice; the Motions to Dismiss pursuant to Rule 12(b)(6) at [DE-25; DE-28; DE-32; DE-35; DE-40] are ALLOWED without prejudice. The Motion to Dismiss the Amended Complaint [DE-54] is DENIED as moot; the Motion for Summary Judgment and Motions for More Definite Statement [DE-25; DE-40] are DENIED as moot.

FURTHER IT IS ORDERED AND ADJUDGED that the Motion to Dismiss the Amended Complaint pursuant to 12(b)(5) by defendants Deborah N. Hooker and John A. Mandulak [DE-71] are DENIED; the Motion to Dismiss the Amended Complaint pursuant to 12(b)(6) by defendant Substitute Trustee Services, Inc. [DE-61], the Motion to Dismiss the Amended Complaint pursuant to 12(b)(6) filed by defendant The Law Firm of Hutchens, Senter & Britton, P.A. [DE-62] and the Motion to Dismiss the Amended Complaint pursuant to 12(b)(6) filed by defendants Deborah N. Hooker, C.T. Salyer and John A. Mandulak [DE-73] are ALLOWED. The Motion to Dismiss defendant BAC's Counterclaim [DE-80] is DENIED AS MOOT. The Clerk of Court is DIRECTED to close this case.

## THE ABOVE JUDGMENT WAS ENTERED TODAY, **September 29, 2011**, AND A COPY MAILED VIA ELECTRONICALLY OR BY REGULAR MAIL TO:

Rosa H. Johnson and Edgar W. Johnson (via regular mail to 2803 Red Valley Drive, Rougemont, NC 27572)

Hilton Terry Hutchens, Jr. (via CM/ECF Notice of Electronic Filing)

Richard Lynn Jackson (via CM/ECF Notice of Electronic Filing)

September 29, 2011 DENNIS P. IAVARONE

Date Clerk of Court

/s/ Susan K. Edwards

(By) Deputy Clerk Wilmington, NC